

REMARKS

Applicant respectfully requests the Examiner's reconsideration of the present application. No claims have been cancelled. Claims 38 and 42 have been amended. Claims 44-61 have been added. Therefore, claims 38-61 are presented for examination.

Claim Amendments

Applicant has amended the claims to more particularly point out what Applicant regards as their invention. No new matter has been added as a result of these amendments.

Rejections Under 35 U.S.C. §102

Walker, et al.

Claims 38-41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Walker, et al., U.S. Patent No. 6,224,486 ("Walker"). Applicant reserves the right to challenge the use of Walker as prior art. Applicant respectfully submits, however, that the present claims are not anticipated by Walker.

Walker discloses methods and devices for distributed electronic gaming tournaments for remotely located players. Players pay entry fees for the right to compete for prizes in electronic tournaments. Walker discloses that the tournament games played may be commercially available or proprietary games designed exclusively for online tournament play.

Independent claim 38, as amended, includes the limitation that a digital photography game comprises a set of game instructions and a digital photography game entry comprises a number of digital images associated with each game instruction. Applicant respectfully submits that Walker does not disclose a digital photography game as claimed. Walker discloses only electronic games in general, such as golf, chess, and trivia. None of the games disclosed by Walker are equivalent to the claimed digital photography game. Accordingly, Applicant respectfully submits that the invention claimed in claim 38

and claims 39-41 that depend from it, are not anticipated by Walker under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

Miles, et al.

Claims 41 and 42 stand rejected under 35 U.S.C. §102(e) as being anticipated by Miles, et al., U.S. Patent No. 6,102,406 ("Miles"). Applicant reserves the right to challenge the use of Miles as prior art. Applicant respectfully submits, however, that the present claims are not anticipated by Miles.

Miles discloses an advertising model which uses a scavenger hunt approach to provide an interactive interface through which participants are invited to "click through" to advertiser/sponsor Web sites in order to determine answers to questions posed by a scavenger hunt advertising service provider. The answers to the questions are obtained from Web sites visited by users in response to hints suggesting where such information may be located. Prizes are awarded to successful participants at the end of a game session.

Claim 41 depends from claim 38. Independent claims 38 and 41, as amended, include the limitation that a digital photography game comprises a set of game instructions and a digital photography game entry comprises a number of digital images associated with each game instruction. Applicant respectfully submits that Miles does not disclose a digital photography game as claimed. Miles is directed to a scavenger hunt game where users provide answers to questions using information from web sites. None of the games disclosed by Miles are equivalent to the claimed digital photography game. Accordingly, Applicant respectfully submits that the invention claimed in claims 41 and 42 are not anticipated by Miles under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

Applicant notes that claim 43 has not been specifically rejected by the Examiner, however, Applicant respectfully submits that claim 43 is not

anticipated by Miles for at least the reasons discussed above with respect to claim 42.

Applicant respectfully submits that newly added claims 44-61 are not anticipated by Walker or Miles for at least the reasons discussed above.

Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.


If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heilesen at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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